IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8590 OF 2006

Narayan D. Yadav..... ..... Petitioner.
V/s
The General Manager, BEST & Ors... ..... Respondents.

Mr.G.M.Joshi, Adv. for the petitioner.

Mr.Sudhir Talsania i/by M/s.M.V.Kini & Co., Adv. For the respondents.

CORAM: A.P. DESHPANDE, J.
19.6.2007

PC:

The petitioner is a driver working with BEST. While on duty and while driving the bus he had altercation with the passengers on account of which the petitioner had reached the bus depot at Oshiwara. The passengers were complaining that the petitioner was under influence of liquor while driving the bus. The Medical Officer at the Depot referred the petitioner to Cooper Hospital. The doctor at Cooper hospital examined the petitioner and reported that the petitioner had consumed alcohol. While driving the bus, it is alleged by th respondent that the petitioner' sbus had met with accident. The petitioner was proceeded against in departmental enquiry on charges of misconduct. Two of the passengers had also deposed in the enquiry proceedings besides other officers of BEST and the conductor of the bus. Relying on the evidence and material on record before the Inquiry Officer a report was submitted finding the petitioner guilty of charges of misconduct. The Disciplinary Authority has passed an order of dismissal. Aggrieved thereby

the petitioner filed a ULP complaint before the Labour Court. The Labour Court has held that the inquiry was just and fairly conducted in adherence to the principles of natural justice. Despite so holding the Labour Court has held that the finding of inquiry officer are perverse and thus allowed the complaint and held that respondent indulged in unfair labour practice. Aggrieved by the said order the respondent filed revision before the Industrial Court. The Industrial Court having noticed that the impugned order passed by the Labour Court was patently illegal has interfered with the same and after examining the matter afresh has held that the finding reached by the inquiry officer are based on material and evidence on record and that the order passed by the Labour Court was wholly unsustainable in law. Thus the Industrial Court allowed the revision and quashed the order passed by the Labour Court. It is this order passed by the Industrial Court which is challenged by filing present writ petition. Perused the revisional order. The Industrial Court has properly dealt with the matter and has rightly upheld finding of the inquiry officer and the punishment imposed. The impuged order passed by the Industrial Court does not suffer from any illegality or impropriety warranting any interference in writ jurisdiction. Hence writ petition is summarily dismissed.

19.6.07.